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SUBJECT: ZIMBABWEAN PARLIAMENT PASSES NSC LEGISLATION

Classified By: Charge d'Affaires Katherine S. Dhanani for reason 1.4 (d)
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MDC Intends NSC to be Safeguard Against Violence

11. (SBU) The Zimbabwean Parliament passed the Zimbabwe National Security Council (NSC) bill on February 10, creating a new executive entity charged with reviewing the country's national security policies and recommending or directing strategic actions. The NSC legislation is currently awaiting the signature of President Mugabe, before it will become law. The MDC-T had made their entrance into a government of national unity contingent upon the creation of a NSC. The bill ostensibly eliminates the Joint Operations Command that reported directly to President Robert Mugabe and had become a vehicle for directing violence against the political opposition.

Membership Biased Towards ZANU-PF

12. (SBU) The NSC will be composed of 21 government officials, approximately two-thirds of whom are members of ZANU-PF with long-standing ties to Mugabe. The council membership consists of the president, the two vice-presidents, the prime minister, the two deputy prime ministers, the minister of finance, the minister of defense, the minister of home affairs, and three ministers of which one will be designated by each of the three political parties (ZANU-PF, MDC-T, and MDC-M).

13. (SBU) There are an additional nine members of the NSC that are designated &ex officio members who are part of the NSC by virtue of holding security specific positions. These members are the president's minister of national security, the chief secretary to the president, the chief secretary to the prime minister, the commander of the defense forces, the commanders of the army and air force, the police

commissioner, the prison commissioner, and the director general of the department of state for national security.

MDC-T Comfortable with Compromises

14. (C) Elton Mangoma, one of the two MDC-T negotiators of the bill, told us that while the MDC had been forced to compromise with ZANU-PF on the bill, overall his party was very pleased with the legislation. He believed it would act as a deterrent to abuse of the defense forces. (NOTE: The MDC-T had produced a proposed draft of the bill which formed the basis for negotiations between the parties. END NOTE.)

15. (C) One of the points of contention had been the addition by ZANU-PF of the nine ex officio members. While their inclusion had tilted the overall balance of membership strongly in ZANU-PF's favor, Mangoma felt their presence was justified as they would be responsible for executing NSC policies. Also, Mangoma explained that the NSC would operate by consensus rather than by vote. Therefore, ultimately the NSC would be dependent upon agreement between Mugabe and Prime Minister Morgan Tsvangirai. The rest of the council would fall in line behind them. Mangoma believed that the NSC would effectively evolve into a Cabinet sub-committee, whereby decisions already agreed upon in Cabinet would be reviewed and implemented in the NSC.

16. (C) Another nuanced yet significant change that was

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reached through negotiation involved the function of the NSC.

The MDC-T version made very clear that the NSC would be responsible for "overseeing and directing the operations and activities of the security services" and that the "commanders of the security forces shall promptly carry out every lawful order or direction the Council may give them." In contrast, the final version defined the NSC's responsibility as that of "reviewing national policies on security, defense and law and order, and recommending or directing appropriate action." While it may be implicit, the final version made no reference to the security services obligation to report to the NSC and to promptly execute NSC orders. In general, it appears that the negotiations resulted in the NSC assuming primarily oversight versus operational responsibilities.

17. (C) The NSC will meet a minimum of once a month and will be chaired by Mugabe. The MDC-T had pressed for Tsvangirai to be chairman in the president's absence, but this provision had been stricken by ZANU-PF. The compromise produced was that there would be no chairman in Mugabe's absence.

COMMENT

18. (C) The MDC claims the NSC bill as a political victory as it had insisted on the elimination of the Joint Operations Command (JOC), composed of the service chiefs and senior government officials, and its replacement with a security policy entity that did not answer solely to Mugabe.

19. (C) However, the bill is watered down from the MDC draft. We also note that as Mugabe will retain the personal loyalty of the security chiefs, there exists the potential for abuse, including the de facto operation of the JOC. As with the rest of the new government, success will be contingent upon good faith efforts by ZANU-PF, of which we have seen little sign. END COMMENT.

DHANANI